



2026:CGHC:10341



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 188 of 2026**

Dinesh Kumar Sahu S/o Late Shri Shalikram Sahu Aged About 38 Years
R/o Phase 6 / A, Plot No. 62, Maitri Nagar, Risali, Tehsil And District-
Durg, Chhattisgarh, (Respondent Mentioned The Wrong Address Of The
Applicant Before The Court Below As C/o Dr. Suman Sahu, S.P.A. House
No. 11 A, Sector 09 Bhilai, Tehsil And District- Durg (Chhattisgarh)
(Present Address- C/o Balwant Sahu, Village- Achhoti, Abhuday
Sansthan, Police Station- Kumhari, Tehsil- Dhamdha, District- Durg,
Chhattisgarh)

... Applicant(s)**versus**

**1 - Smt. Anjali Sahu @ Anju Sahu W/o Dinesh Kumar Sahu Aged About
37 Years R/o Phase 06, House No. 2 / A, Maitri Nagar, Risali, Tehsil And
District, Durg, Chhattisgarh(Res. No. 1 Knowing As Smt. Anjali Sahu And
Anju Sahu)**

**2 - Kumari Yashi Sahu Through Legal Guardian Its Mother Aged About 4
Years R/o Phase 06, House No. 2 / A, Maitri Nagar, Risali, Tehsil And
District, Durg, Chhattisgarh**

... Non-applicant(s)

For Applicant : Mr. Abhishek Singh, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****27.02.2026**



1. By way of this revision, the applicant has prayed that this Court may kindly be pleased to allow this revision and set-aside the order dated 13.11.2025 (Annexure-A/1) and 07.09.2022 (Annexure A/2), passed by the learned Family Court, Durg, in the interest of justice.
2. Brief facts of the case are that the applicant was working as a Scheduler (Computer Operator) in a local news channel. Non-applicant No.1 is the legally wedded wife of the applicant and Non-applicant No.2 is the daughter of the applicant. Non-applicant No.1 is also known as Smt. Anju Sahu. The applicant filed an application under Section 156(3) of the Code of Criminal Procedure before the learned Judicial Magistrate First Class, District Durg (C.G.), against Non-applicant No.1 and others for assaulting him. The applicant preferred a revision against the said order, which was also dismissed by the Revisional Court. Thereafter, the applicant filed Cr.M.P. No.1183 of 2025 challenging the orders of the trial Court and the Revisional Court, which is presently pending before the Hon'ble Court. The non-applicant No.1 filed an application under Section 125 of Cr.P.C. for grant of maintenance before the Family Court, Durg, immediately after the complaint under Section 156(3) Cr.P.C. was filed against her. The said case was registered as Criminal Case No. 1175/2021 and notice was issued to the applicant for his appearance. The Non-applicant No.1 deliberately submitted an incorrect address of the applicant, therefore, the notices issued by the Family Court could not be served upon the applicant.



3. On 23.02.2022, the Family Court recorded in the order-sheet that the notices had been returned unserved and on the same day directed issuance of summons to the applicant through the concerned Police Station. Thereafter, on 28.04.2022, Non-applicant No.1 filed an application under Order V Rule 20 of the Code of Civil Procedure for publication in a newspaper. The said application was allowed by the Family Court and the case was fixed on 10.06.2022 for the appearance of the applicant. On 10.06.2022, the Family Court passed an order and fixed the case for the appearance of the applicant on 15.06.2022. On 15.06.2022, the Family Court initiated ex-parte proceedings against the applicant and thereafter on 07.09.2022 passed an ex-parte order against him.
4. Thereafter the applicant filed an application under Section 126(2) of Cr.P.C., which was dismissed by the Family Court on 13.11.2025, maintaining the earlier order dated 07.09.2022. Hence, this revision.
5. Learned counsel for the applicant submits that the impugned order passed by the learned Family Court is arbitrary, illegal and contrary to the evidence and documents placed on record by the applicant. It is further submitted that the learned Family Court has failed to consider the financial condition of the applicant, who is presently not in a position to maintain himself due to grievous injuries sustained in the incident dated 13.09.2021, as a result of which he became a neuro patient and is now dependent upon his parents for his livelihood, having no independent source of income. It is also submitted that the applicant had earlier filed an application under Section 156(3) of the Code of Criminal Procedure before the



learned Judicial Magistrate First Class, District Durg (C.G.), against the non-applicant No.1 and others in respect of the assault dated 13.09.2021, however, the revision preferred by the applicant was dismissed and thereafter the applicant filed Cr.M.P. No.1183 of 2025 challenging the orders of the trial Court and the revisional Court, which is came to be dismissed by this Court today itself. He further submits that the non-applicant No.1 filed the application under Section 125 of Cr.P.C. only to counterblast the complaint filed by the applicant and to harass him. It is also submitted that as per the order dated 23.02.2022, the notices issued to the applicant were returned unserved and the Family Court directed issuance of summons through the police station upon payment of process fee within three days, however, the non-applicant No.1 did not comply with the said order and instead deliberately filed an application under Order V Rule 20 of the Code of Civil Procedure on 28.04.2022 for substituted service by way of publication in a newspaper without complying with the previous order of the Court. The said application was allowed and the case was fixed on 10.06.2022 for the appearance of the applicant and thereafter on 10.06.2022 the matter was further fixed for appearance on 15.06.2022, thereby depriving the applicant of proper opportunity to appear before the trial Court.

6. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with revision.
7. From perusal of the impugned order dated 13.11.2025 and the material available on record, it transpires that during cross-



examination the applicant himself admitted in Paragraph No.11 that on 23.01.2022 he had contacted Non-applicant No.1 through his mobile phone and further admitted that he had already come to know through his friend that Non-applicant No.1 had filed a maintenance case against him before the Family Court concerned. The applicant also admitted in Paragraph No.06 of his cross-examination that the address mentioned in his application and affidavit was not the place where he was actually residing and that the said address was mentioned only formally. It further appears that notices in the maintenance proceedings were issued on the address furnished by the applicant himself, which were returned with the endorsement "not claimed", clearly indicating that the applicant had deliberately avoided service of notice. The Family Court, after considering the entire evidence and material on record, recorded a finding that the applicant had full knowledge of the maintenance proceedings in Criminal Case No.1175/2021, yet he intentionally failed to appear before the Court, as a result of which an ex-parte maintenance order dated 07.09.2022 came to be passed against him. On the basis of the aforesaid findings, the Family Court held that no sufficient ground was made out to set aside the ex-parte order and accordingly dismissed the application filed by the applicant under Section 126(2) of Cr.P.C. vide order dated 13.11.2025.

8. Considering the facts and circumstances of the case, the material available on record, and the findings recorded by the learned Family Court, this Court is of the opinion that the learned Family Court



concerned has rightly appreciated the evidence and has passed a well-reasoned and justified order. The findings recorded by the learned Family Court are based on proper appreciation of the evidence, particularly the admissions made by the applicant in his cross-examination, which clearly establish that the applicant had knowledge of the maintenance proceedings and deliberately avoided appearance before the Court. This Court does not find any illegality, perversity or jurisdictional error in the impugned order warranting interference in revisional jurisdiction.

9. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.
10. Office is directed to send a certified copy of this order to the Family Court concerned for necessary information and compliance.

**Sd/-
(Ramesh Sinha)
Chief Justice**